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AUG 10 2006

Atty. Docket No. ELK03 P-301

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 3738
Examiner : Thomas Sweet
Applicant : Jeffrey L. Elkins
Appln. No. : 10/685,978
Filing Date : October 15, 2003
Confirmation No. : 7105
For : FOOT-OPERATED CONTROLLER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being transmitted by facsimile to the Patent and Trademark Office on the date shown below:

1. Combination Claims As Amended and Petition For Extension of Time
Cover Sheet (in duplicate) and
2. Amendment consisting of (8 pages).

YOU SHOULD RECEIVE A TOTAL OF 13 PAGES (INCLUDING THIS PAGE).

August 10, 2006
Date

Deborah A. Clark
Deborah A. Clark
Price, Heneveld, Cooper,
DeWitt & Litton, LLP
695 Kenmoor, S.E.
Post Office Box 2567
Grand Rapids, Michigan 49501
(616) 949-9610

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 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

Dear Sir:

Enclosed is an Amendment to the Office Action dated May 8, 2006. The items checked below are appropriate:

X Applicants hereby petition for a one (1) month extension of time to respond to the above Office Action. The fee of \$60.00 is to be charged to the Deposit Account No. 16-2463 for the Extension is enclosed.

Any fee for additional claims has been calculated as shown below:

CLAIMS AS AMENDED

| | Col. 1 | | Col. 2 | Col. 3 | Small Entity | | Other Than A Small Entity | |
|---|----------------------------------|-------|---------------------------------|---------------|--------------|-----------|---------------------------|-----------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid For | Present Extra | Rate | Add'l Fee | Rate | Add'l Fee |
| Total Claims | * 12 | Minus | ** 20 | = 0 | x \$25 | \$ 0 | X \$ 50 | \$ |
| Independent Claims | * 2 | Minus | *** 3 | = 0 | x 100 | \$ 0 | X \$200 | \$ |
| First Presentation of Multiple Dependent Claims \$180 | | | | | | \$ 0 | X \$360 | \$ |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | | \$ 0 | | \$ |

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3
 ** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
 *** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.
 The "Highest No. Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

Applicant : Jeffrey L. Elkins
 Appln. No. : 10/685,978
 Page : 2

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Each Additional Group of 50 Pages That Exceeds 100 Pages

| Col. 1 | | Col. 2 | Col. 3 | Small Entity | | Other Than A Small Entity | |
|---|-------|---|----------------------|-------------------------------------|-----------|-------------------------------------|-----------|
| No. of Groups Remaining After Amendment | | Highest No. of Groups Previously Paid For | Present Extra Groups | Rate (each add'l 50 pages over 100) | Add'l Fee | Rate (each add'l 50 pages over 100) | Add'l Fee |
| 1 | Minus | * 2 | = ** 0 | x \$125 | \$ 0 | X \$250 | \$ |

One "group" is a set of 50 application (specification, claims, abstract and drawings) pages.

- * If the entry in Col. 2 is more than the entry of Col. 1, write "0" in Col. 3
 ** If the entry in Col. 3 is not "0," pay the required fee.

X Small entity status of this application under 37 C.F.R. §§ 1.9 and 1.27 has been established by a verified statement previously submitted or is enclosed.

 No additional fee is required.

 A fee of _____ to cover the utility application size fee is enclosed.

 A fee of _____ to cover the cost of the additional claims added by this response is enclosed.

X A fee of \$60.00 to cover Petition for Extension of Time is to be charged to Deposit Account No. 16-2463. A duplicate of this sheet is attached.

X A fee of \$60.00 to is to be charged to Deposit Account No 16-2463 to cover the above fee.

X Please charge any additional fees or credit overpayment to Deposit Account 16 2463. A duplicate copy of this sheet is attached.

Respectfully submitted,

August 10, 2006

Date

GJE/dac



Gunther J. Evanina, Registration No. 35 502
 Price, Heneveld, Cooper, DeWitt & Litton, LLP
 695 Kenmoor, S.E.
 Post Office Box 2567
 Grand Rapids, Michigan 49501
 (616) 949-9610

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Dear Sir:

AMENDMENT

In response to the Office Action mailed May 8, 2006, Applicant requests further consideration and examination in view of the following remarks and amendments.

Please amend the claims as follows.

Amendments to the claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 4 of this paper.

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